

## REMARKS

Claims 12-19, 21-28 and 38-55 are pending in the application. Claims 50-55 are newly added. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 12-19, 21-28 and 38-49 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,609,085 to Uemura et al., hereafter Uemura.

As a matter of form, this rejection, though made under 102(b), is actually under 102(e) since Uemura was issued after Applicants' filing date (December 21, 2001), but filed before Applicants' filing date.

This rejection is erroneous because Uemura lacks one or more elements or steps recited in independent claims 38, 43 and 46-49 for the reasons set forth below.

Uemura lacks an activity program that responds to input data to define a data structure with a plurality of activities of a process and that responds to a request that identifies a first activity by using the data structure to access the time series data to retrieve the time series data that occurs during the first activity as recited in independent claims 38, 43 and 46. Uemura discloses a system in which time series data is entered and then automatically apportioned into a plurality of equal time intervals pursuant to a fixed time interval hierarchy. Uemura does not disclose an activity framing program that responds to user input data to define the activities of a process. That is, Uemura does not disclose any way for a user to define any activities of the process conducted at the industrial plants. Moreover, Uemura does not disclose any way for a user to input data to define the fixed intervals of the disclosed fixed time interval hierarchy. Since Uemura does not disclose any way for a user to define any activities of the process conducted at the industrial plants, Uemura also lacks an activity framing program that responds to a request that identifies a first activity by using the data structure to access the time series data to retrieve the time series data that occurs during the first activity.

With respect to independent claims 38, 43 and 46-49, Uemura lacks an activity framing program because Uemura does not disclose any way for the process conducted at the industrial plant to be user defined in terms of activities of the process. Moreover, Uemura does not disclose an activity. The Examiner apparently reads “activity” on Uemura’s “time interval”. However, Uemura’s time intervals are merely an arbitrary slicing of time series data into consecutive time slices that have no bearing to any activity of the process. In contrast, the claimed invention allows the user to define activities of the process that are then used to retrieve data that occurs during the activity. The activities are not tied to a fixed interval structure as taught by Uemura, but rather are activities of varying time intervals that are independent, overlapping or non-overlapping. This also allows the user to access the time series data of an activity by merely inputting the activity and a device tag. It is unnecessary for the user to know and input an actual time interval. In contrast, Uemura's access request must identify a specific time interval and a device tag.

With respect to dependent claims 12 and 21, Uemura does not disclose an activity structure that comprises “an identity” for an activity. Rather, Uemura responds to a user designated start and end time to retrieve time series data. This is in contrast to the claimed invention in which the user merely needs to know the name of an activity, which is much easier to get or remember than start and end times.

With respect to dependent claims 18 and 27, Uemura does not disclose an access request that refers to an activity by direct reference. Rather, Uemura refers to a time interval by start and end times.

With respect to dependent claims 40 and 45, Uemura does not disclose “an equipment of which said device is a part”. Rather, Uemura discloses two separate equipments, namely a measuring instrument 201 and a recording device 211, neither of which is disclosed as a part of the other.

For the reason set forth above, it is submitted that the rejection of claims 12-19, 21-28 and 38-49 under 35 U.S.C. 102(b) as anticipated by Uemura is erroneous and should be withdrawn.

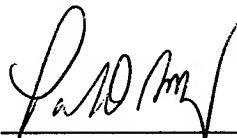
The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

Newly presented dependent claims 50-55 recite that an activity is something that happens or is planned to happen during the process. Support for these claims is found at pages 1 and 2 of the specification. It is submitted that claims 50-55 distinguish from the cited art for the same reasons set forth above in the discussion of their respective independent claims and are, therefore, allowable.

It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 102(b) be withdrawn, that claims 12-19, 21-28 and 38-55 be allowed and that this application be passed to issue.

Respectfully Submitted,

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